

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

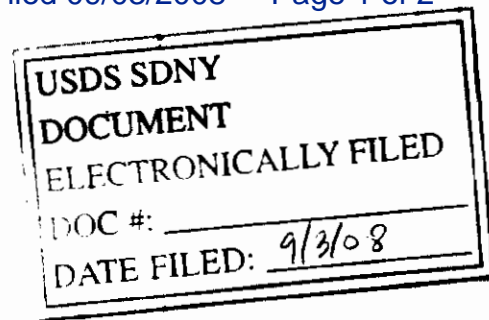
KINGS OCEAN SHIPPING CO. LTD.,

Plaintiff,

-v-

RICHFIELD CORPORATION LTD., AND
RICHFIELD MARINE AGENCIES (S) PTE.
LTD.,

Defendants.



No. 08 Civ. 1709 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

Before the Court is the motion of defendant Richfield Marine Agencies (S) Pte. Ltd. ("Defendant") to vacate the order directing the clerk to issue process of maritime attachment and garnishment issued by this Court on June 20, 2008, or, in the alternative, to modify the order to direct only the attachment of electronic funds transfers ("EFTs") that originated with Defendant. The Court heard argument on the motion on August 27, 2008.

In light of the Second Circuit's pronouncement in *Aqua Stoli Shipping Ltd. v. Gardner Smith Pty Ltd.*, 460 F.3d 434, 436 (2d Cir. 2006) that "EFTs to or from a party are attachable by a court as they pass through banks located in that court's jurisdiction," Defendant's motion to modify the order of attachment to permit only the attachment of EFTs that originated with Defendant is DENIED. Nevertheless, the denial is without prejudice to renewal should the Second Circuit clarify its position in the appeals of, *inter alia*, *Shipping Corp. of India, Ltd. v. Jaldhi Overseas PTE Ltd.*, No. 08 Civ. 4328 (JSR), 2008 WL 2596229 (S.D.N.Y. June 27, 2008) and *Consub Delaware LLC v. Schahin Engenharia Limitada*, 476 F. Supp. 2d 305 (S.D.N.Y. 2007).

Defendant's motion to vacate the attachment order on the grounds that the First Amended Complaint stated facts insufficient to support an alter ego claim is GRANTED. However, in light of the facts alleged in the Second Amended Complaint, filed on August 29, 2008, the Court hereby stays the release of funds under attachment for 15 days pending the issuance of a new attachment order. *See Tide Line, Inc. v. Eastrade Commodities, Inc.*, No. 06 Civ. 1979 (KMW), 2006 U.S. Dist. LEXIS 95870, at *55-56 (S.D.N.Y. Aug. 15, 2006). Should Plaintiff wish to submit a new application for an order directing the clerk to issue process of maritime attachment and garnishment based on the allegations contained in the Second Amended Complaint, Plaintiff shall make its submission on or before September 10, 2008.

SO ORDERED.

Dated: September 3, 2008
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE